

**City Planning Commission
Meeting – February 24, 2015**

CONSIDERATION – SUBDIVISION DOCKET – 003/15

Applicants: Douglas Melancon & LaShun Doyle

Prepared By: Nicolette Jones

Date: February 11, 2015

Deadline: March 9, 2015

GENERAL INFORMATION

Proposal: Resubdivision of Lot 16 and Pt. Lot 15 into Lots 16A and 16B.

Location: Square 232, Seventh Municipal District, bounded by Hickory, General Ogden, Eagle and Green Streets. The municipal address is 8836 Hickory Street. (PD 3)

Zoning: RD-2 Two-Family Residential District

Current

Land Use: The petitioned site is currently developed with two (2) single-family residences. The front residence, which fronts Hickory Street, is currently inhabited. The rear residence, which fronts General Ogden Street, appears to have been vacant for over a decade.¹ The rear residence has also been found guilty of public nuisance and blight by the City's Department of Code Enforcement.²



Figure 1. Lot 16 and Pt. Lot 15 is developed with 2 main residences. One residence is currently unoccupied and fronts Hickory Street (background). The other fronts General Ogden Street (foreground) and has been vacant for several years. This property has been cited several times by the Department of Health and the Department of Code Enforcement for public nuisance and blight.

¹ The staff used aerial imagery dating back to 2004 to assess the occupancy of the two main structures.

² Citation 12-08639-PNBL filed August 8, 2012. In a search of the City's database, the staff also found additional similar citations from the Department of Health dating back to 2002 for minimum property maintenance and blight.

Required: Lots developed with a single-family residence in the RD-2 Two-Family Residential District are required to measure a minimum of forty (40') feet in width, ninety (90') feet in depth, and four thousand four hundred (4,400 sq. ft.) square feet in area.

The applicant is proposing to resubdivide the existing parcel, consisting of the whole of Lot 16 and part of Lot 15, into two (2) lots where each main use would be located on a separate lot of record. The proposed Lot 16A would front Hickory Street and would have a width of forty (40') feet, a depth of sixty-nine and seventy hundredths (69.70') feet, and an area of approximately two thousand seven hundred sixty-eight (2,768 sq. ft.) square feet. The proposed lot would only meet the minimum lot width requirement of the RD-2 District, and would be deficient in depth and area. The proposed Lot 16B would front General Ogden Street and would have a width of fifty-one and eighty hundredths (51.80') feet, a depth of forty (40') feet, and an area of approximately two thousand fifty-two (2,052 sq. ft.) square feet. Similar to Proposed Lot 16A, Proposed Lot 16B would only meet the minimum lot width requirement of the RD-2 District, and would be deficient in depth and area.

The Commission has classified all Minor and Major Subdivisions into seven categories, based on particular aspects of the proposal. Because the proposed resubdivision is based on the separation of two existing main uses on one (1) parcel, it is to be reviewed under *Policy E: Resubdivision of Properties Developed Prior to 1929*. This Policy waives the requirement for a public hearing for Minor Subdivisions and authorizes the Executive Director to grant Administrative Approval to subdivision plans proposing new lot lines that will separate buildings constructed prior to 1929, provided that plans meet all of the following conditions:

- a. *Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assessor or other documents deemed acceptable by the Executive Director.*
- b. *The request to separate buildings involves only main/principal buildings.*
- c. *Proposed side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance.*
- d. *The proposed lots shall contain a minimum of 1,800 square feet.*

- e. *The proposed lots will not be an excessive variation to the neighborhood norm.*

This proposal must be considered by the City Planning Commission because it does not meet criteria “a” and “e” under Policy E.

**Utilities &
Regulatory
Agencies:**

The City Planning Commission, when reviewing a proposed subdivision, requests responses from the Department of Property Management Division of Real Estate and Records, Department of Public Works, Department of Safety and Permits, Sewerage and Water Board, the Historic District Landmarks Commission (where applicable), and Entergy regarding the compliance of the proposed subdivision with the building codes, zoning ordinance, and other regulations governing development in the city.

The Department of Property Management, Division of Real Estate and Records noted no objection to the proposal, finding no exceptions regarding ownership and the survey.

The representative of the Sewerage and Water Board stated that subsurface drainage was available for Proposed Lot 16A but not for Proposed Lot 16B. They also noted that sewer and water facilities are available but not shown on the survey, and recommended that a note should be shown on the subdivision plans stating that sewer and water house connections are the responsibility of the property owner.

The Department of Safety and Permits noted no objection to the proposal.

The petitioned site is not located within a Local Historic District.

At the time of this writing, the Department of Public Works and Entergy had not yet reviewed the proposed subdivision.

LOT SIZE

**Existing
Lots:**

Lot 16 is a corner lot with frontage along Hickory Street and General Ogden Street. It measures thirty (30') feet in width along Hickory Street and one hundred twenty (120'-6") feet six inches in depth along General Ogden Street, and has an area of three thousand six hundred fifteen (3,615 sq. ft.) square feet. Pt. Lot 15 is an interior lot, and measures ten (10') feet in width, one hundred twenty (120'-6") feet six inches in depth, and one thousand two hundred five (1,205 sq. ft.) square feet in area. The existing residence that fronts Hickory Street is located solely on Lot 16. The

existing residence that fronts General Ogden Street is located primarily on Lot 16, though a portion of the residence is developed on Pt. Lot 15.

Proposed

Lots:

Proposed Lot 16A would be a corner lot with frontage along Hickory Street and General Ogden Street. The lot would have a width of forty feet (40'), a depth of sixty-nine and seventy hundredths (69.70') feet, and an area of two thousand seven hundred sixty-eight (2,768 sq. ft.) square feet. Proposed Lot 16B would be an interior lot with frontage along General Ogden Street. The lot would have a width of fifty-one and eighty hundredths (51.80') feet, a depth of forty (40') feet, and an area of approximately two thousand fifty-two (2,052 sq. ft.) square feet.

ANALYSIS

Development in the Vicinity:

The petitioned site is located in a large RD-2 Two-Family Residential District in the Leonidas, or West Carrollton, neighborhood. The neighborhood sits at the border between Orleans and Jefferson Parishes. The area is primarily residential in character consisting of mostly single-family residences and a few two-family residences. The Oak Street commercial corridor is located south of the petitioned site and zoned C-1A General Commercial District. The site is also within the vicinity of a large water treatment facility operated by the Sewerage and Water Board of New Orleans.

The area was once part of a plantation owned by Le Sieur de Bienville. The land was purchased in the nineteenth century by the New Orleans Canal and Banking Company and platted for residential development.³ The area was fully developed by the early twentieth century.

Most of the area is made up of long rectangular lots very consistent in size and shape. The staff surveyed sixty-two (62) surrounding parcels and found that most lots measure thirty (30') feet or forty (40') feet in width. Lot depths vary slightly, but generally range from ninety (90') feet to one hundred twenty (120') feet. The staff did not find much variation from this range. The most common lot width is thirty (30') feet and the most common depth is one hundred twenty (120') feet. The average lot area is three thousand eight hundred twenty-five (3,825 sq. ft.) square feet. The staff only found five (5) out of the sixty-two (62) lots surveyed with lot depths less than ninety (90') feet. The majority of lots, approximately 89% of those surveyed, have lot areas greater than three thousand (3,000 sq. ft.) square feet. See Table 1 for a summary.

³ Source: GNOCDC Neighborhood Snapshot, 2002

Table 1. Survey of Neighboring Parcels – Leonidas Neighborhood		
	#	%
Total Parcels Surveyed	62	100%
Lot Depths LESS than 90 ft.	5	8%
Lots 3000 sq. ft. or GREATER	55	89%
Average Lot Width	34 ft.	
Average Lot Depth	120 ft.	
Average Lot Area	3,825 sq. ft.	
Source: Orleans Parish Assessor's Office Parcel Map, February 2015 The staff surveyed Municipal Squares 205, 232, and 237.		



Figure 1. The applicant proposes to resubdivide Lot 16 and Pt. 15, which combined measures 40' wide and 120.5' deep, into 2 lots. The proposal is inconsistent with the surrounding development pattern as the proposed lot depths are significantly shallower than the predominant pattern.

COMPLIANCE WITH THE COMPREHENSIVE ZONING ORDINANCE AND THE SUBDIVISION REGULATIONS:

Pursuant to **Article 4, Section 4.5.7 (Table 4.E)** of the Comprehensive Zoning Ordinance, the minimum lot width required for a single-family residence is forty (40') feet. The minimum lot depth required is ninety (90') feet, and the minimum lot area required is 4,400 square feet. Proposed Lot 16A and Lot 16B would both meet the minimum lot width requirement of the RD-2 District, measuring forty (40') feet and fifty-one and eighty hundredths (51.80') feet, respectively. Proposed Lot 16A would be deficient twenty feet and thirty hundredths (20.30') feet of the minimum lot depth requirement, and Proposed Lot 16B would be deficient fifty (50') feet, both necessitating

waivers. Proposed Lot 16A would be deficient approximately one thousand six hundred thirty-two (1,632 sq. ft.) square feet of the minimum lot area requirement, and Proposed Lot 16B would be deficient two thousand three hundred forty-eight (2,348 sq. ft.) square feet. The staff believes the waivers needed in regard to lot depth and lot area are a significant variation from the typical lot pattern of the surrounding area.

Pursuant to **Article 4, Section 4.5.7 (Table 4.E) – Front Yard Depth**, the required front yard depth for a single-family residence must be within three (3') feet of the average of the block face. Since both residences are not changing frontages, their existing front yard depths are grandfathered. A corner lot front yard is also required to measure within three (3') feet of the average of the block face. The provided corner lot front yard for the existing residence on Proposed Lot 16A is also grandfathered to the site. Pursuant to **Article 4, Section 4.5.7 (Table 4.E) – Side Yard Width**, the minimum interior side yard requirement is three (3') feet. Each residence would provide side yard widths that would exceed this requirement. The residence on Proposed Lot 16A would provide an interior side yard width of eleven and three tenths (11.3') feet on the Eagle Street side of the property. The residence on Proposed Lot 16B would provide a side yard width of fourteen and four tenths (14.4') feet on the Hickory Street side of the property and a side yard width of five and eight tenths (5.8') feet on the Green Street side of the property. Each residence would also exceed the maximum aggregate side yard required which is twelve (12') feet. Pursuant to **Article 4, Section 4.5.7 (Table 4.E) – Rear Yard Depth**, the minimum requirement is twenty (20') feet. The new lot line established with the resubdivision would cause the residence on Proposed Lot 16A to provide a rear yard depth measuring approximately twenty-two (22') feet, exceeding the requirement. As the rear lot line is not changing for the residence on Proposed Lot 16B, the existing rear yard depth of eight and one half (8.5') feet is grandfathered to the site.⁴

Policy E Review

This subdivision application is to be reviewed under *Policy E: Resubdivision of Properties Developed Prior to 1929*.

- a. *Satisfactory evidence is submitted indicating existence of structures prior to 1929. Such evidence is to be provided by the owner or subdivider and should consist of a letter from the appropriate Tax Assessor or other documents deemed acceptable by the Executive Director.*

The applicant did not submit records from the Sewerage and Water Board which would indicate whether or not water and sewer connections were established prior to 1929. Thus, the staff relied on historical Sanborn maps to assess the petitioned site's development history and compliance with criterion "a." The staff examined Sanborn maps from 1909, 1922, 1952, 1983, and 1994. The map dated 1909 indicates that the subject square was undeveloped at this time. The map dated 1922 shows the development of the front residence on Proposed Lot 16A, but does not indicate the development of the existing residence on Proposed Lot 16B.

⁴ Verified by the Zoning Administrator of the Department of Safety and Permits.

The map dated 1952 shows the same condition; therefore, the staff deduces that the existing residence on Proposed Lot 16B was not constructed prior to 1929, and thus fails to meet criterion “a.” Furthermore, upon examination of the map from 1983, the subject residence appears to have been initially constructed as a storage building made of concrete block. It is not until the 1994 Sanborn map that the subject property is listed as a dwelling unit. Refer to Figures 2 and 3.

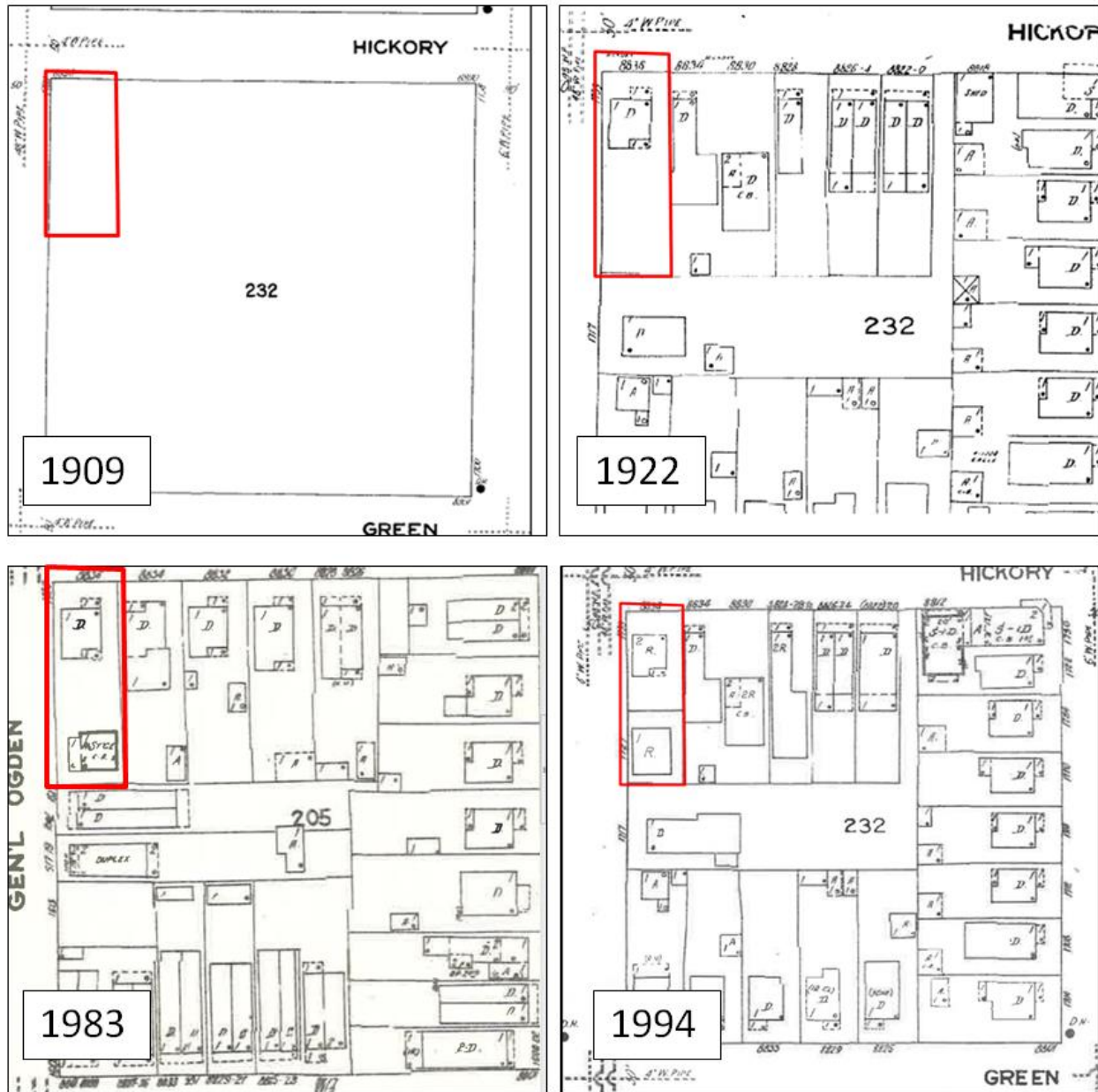


Figure 2. Historic Sanborn maps indicate that the property fronting Hickory Street was built prior to 1929. However, the property fronting General Ogden Street appears to have been originally built as an accessory storage building sometime between 1952 and 1983. It was later converted to a main residence sometime between 1983 and 1994.

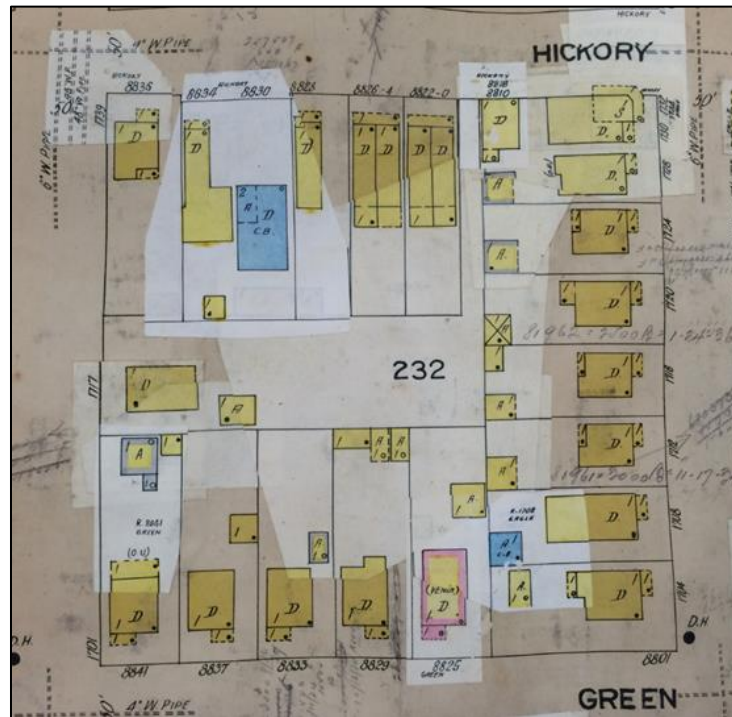


Figure 3. Sanborn Map - Revision dated: September, 1952

- b. *The request to separate buildings involves only main/principal buildings.*

The proposal meets this criterion as each building is a main use. However, as mentioned previously, historic Sanborn maps from 1983 indicate the main use on Proposed Lot 16B may have originally been constructed as an accessory storage building, and later converted to a main residence sometime between 1983 and 1994.

- c. *Proposed side lot lines comply as nearly as possible with the Subdivision Regulations and the Comprehensive Zoning Ordinance.*

The proposal partially meets this criterion. The proposed property line separating Proposed Lots 16A and 16B would enable the each residence to meet the yard setback requirements of the RD-2 District per **Section 4.5.7 (Table 4.E)**, as the newly created yards exceed the requirements. As each building frontage would remain the same, all setback deficiencies would be grandfathered to the site. The proposal, however, would create two (2) lots which would be substantially deficient of the required lot depth and lot area of the RD-2 District.

- d. *The proposed lots shall contain a minimum of 1,800 square feet.*

Proposed Lot 16A and 16B would each meet this criterion as they would measure 2,768 square feet and 2,052 square feet, respectively. However, as mentioned previously, Proposed Lot 16A would be deficient 1,632 square feet, and Proposed Lot 16B would be deficient 2,348 square feet of the minimum lot area

requirement for a single-family residence in the RD-2 District. Each would necessitate a substantial waiver from the Board of Zoning Adjustment, which the staff believes would be a significant variance from the predominant development pattern, if granted.

- e. *The proposed lots will not be an excessive variation to the neighborhood norm.*

As mentioned previously, lot sizes in the area are fairly consistent with no significant variation among lots developed with residential uses. Most lots measure thirty (30') or forty (40') feet in width, and lot depths generally range from ninety (90') feet to one hundred twenty (120') feet. As such, it is not common for lots to measure less than three thousand (3,000 sq. ft.) square feet in area. Proposed Lot 16A would not be as significant of a variation from the typical development pattern as would Lot 16B. Proposed Lot 16B would be deficient approximately fifty (50') feet of the minimum lot depth requirement. The staff believes this variation to be excessive and unprecedented in the surrounding area. The staff also believes an approval of the subdivision would improperly legitimize a structure which has been cited several times by the Department of Health and the Department of Code Enforcement for blight, and which was originally constructed as an accessory use to a main residence.

SUMMARY

Subdivision Docket 003/15 is a request to resubdivide Lot 16 and Pt. Lot 15 into two (2) lots (Proposed Lot 16A and Proposed Lot 16B), which would separate two (2) existing main buildings. As the proposal is an attempt to separate two main buildings, it is required to be reviewed under Policy E of the Subdivision Regulations. The proposal fails to meet two of the criteria stipulated under Policy E, and therefore requires approval of the City Planning Commission. The proposal fails to meet criterion "a" of the Policy E in that only one (1) of the two (2) main buildings appears to have been constructed prior 1929, the year in which the City first adopted the Comprehensive Zoning Ordinance. The staff deduced from an assessment of historic Sanborn maps that the property located on Proposed Lot 16B was developed sometime between the years of 1951 and 1983, and was originally constructed as an accessory storage building.

The proposal also fails to meet criterion "e" of Policy E in that the proposed lots would be an excessive variation to the neighborhood norm in terms of lot depth and area. Though both lots would be greater than 1,800 square feet in area, both would require waivers from the Board of Zoning Adjustments. Proposed Lot 16A would necessitate a waiver of 1,632 square feet and Proposed Lot 16B would necessitate a waiver of 2,348 square feet of the minimum lot area requirement of the RD-2 District. As most lot depths in the area measure between ninety (90') feet and one hundred twenty (120') feet, the proposed lot depths of sixty-nine and seventy hundredths (69.70') feet for Lot 16A and forty (40') feet for 16B would be significantly deficient. The staff finds no justification for a variance of fifty (50') feet of the minimum lot depth requirement for Proposed Lot 16B.

The staff believes an approval of the proposed subdivision would legitimize a structure which has been cited multiple times for public nuisance and blight⁵, and which was originally built as an accessory structure to a main use. Furthermore, the staff believes the creation of two (2) significantly substandard lots would create a condition that would inhibit future development and use of the subject property.

PRELIMINARY STAFF RECOMMENDATION⁶

The staff recommends **DENIAL** of Subdivision Docket 003/15.

REASONS FOR RECOMMENDATION

1. The creation of two (2) significantly substandard lots would create a condition that would inhibit future development and use of the subject property.
2. The proposed lots, and particularly Lot 16B, would be significantly smaller than the majority of lots in the surrounding neighborhood. Furthermore, there is no evidence that the structure on Lot 16B was built as a main use prior to 1929.

⁵ The staff also found unpaid taxes and liens associated with the subject property.

⁶ The preliminary staff recommendation is subject to modification by the City Planning Commission.

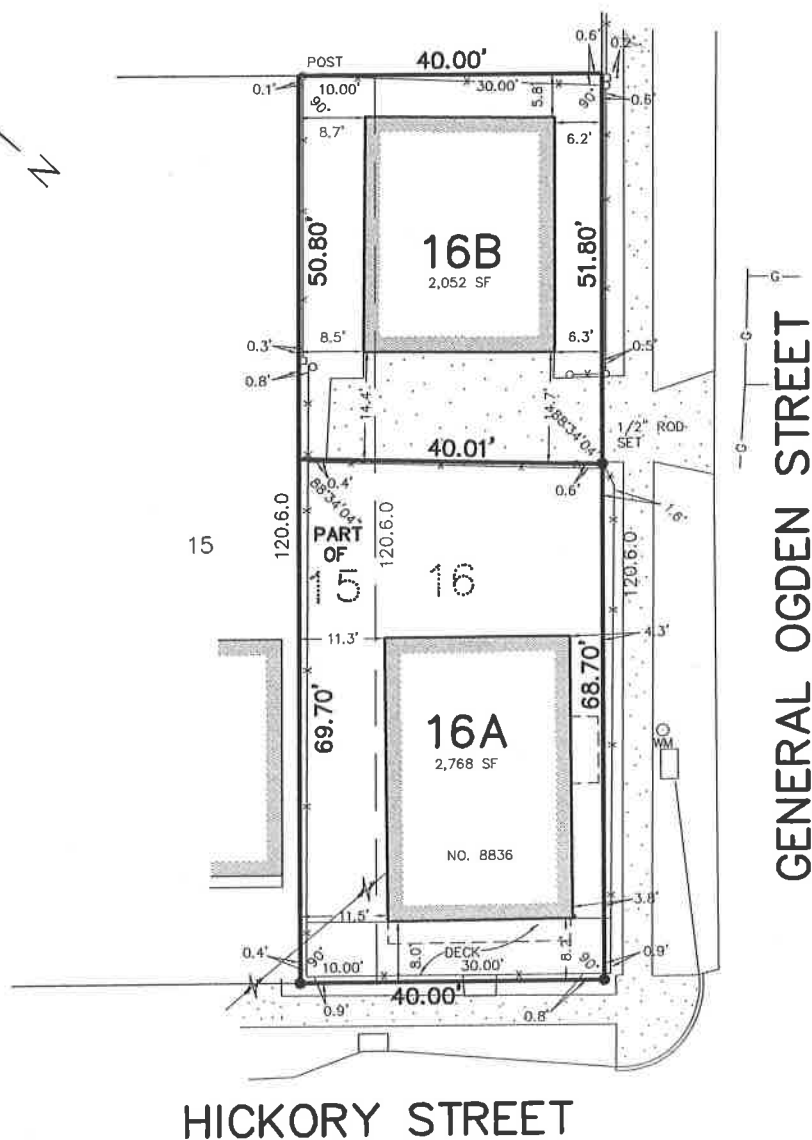
SQUARE 232
SEVENTH DISTRICT, NEW ORLEANS
ORLEANS PARISH, LA

THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY
ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION
FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL
APPLICABLE SERVITUDES AND RESTRICTIONS ARE SHOWN HEREON.
THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD
SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

GREEN STREET (SIDE)

REFERENCE: SURVEY BY GKC DATED
MARCH 16, 1981

EAGLE STREET (SIDE)



GENERAL OGDEN STREET

HICKORY STREET

NOVEMBER 17, 2014
RESUBDIVISION OF LOT 16 AND PART OF LOT 15
INTO LOTS 16A AND 16B
SURVEYED IN ACCORDANCE WITH THE LOUISIANA
STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR A
CLASS C SURVEY, MADE AT THE REQUEST OF
LASHUN DOYLE.



**DUFRENE SURVEYING
& ENGINEERING INC.**

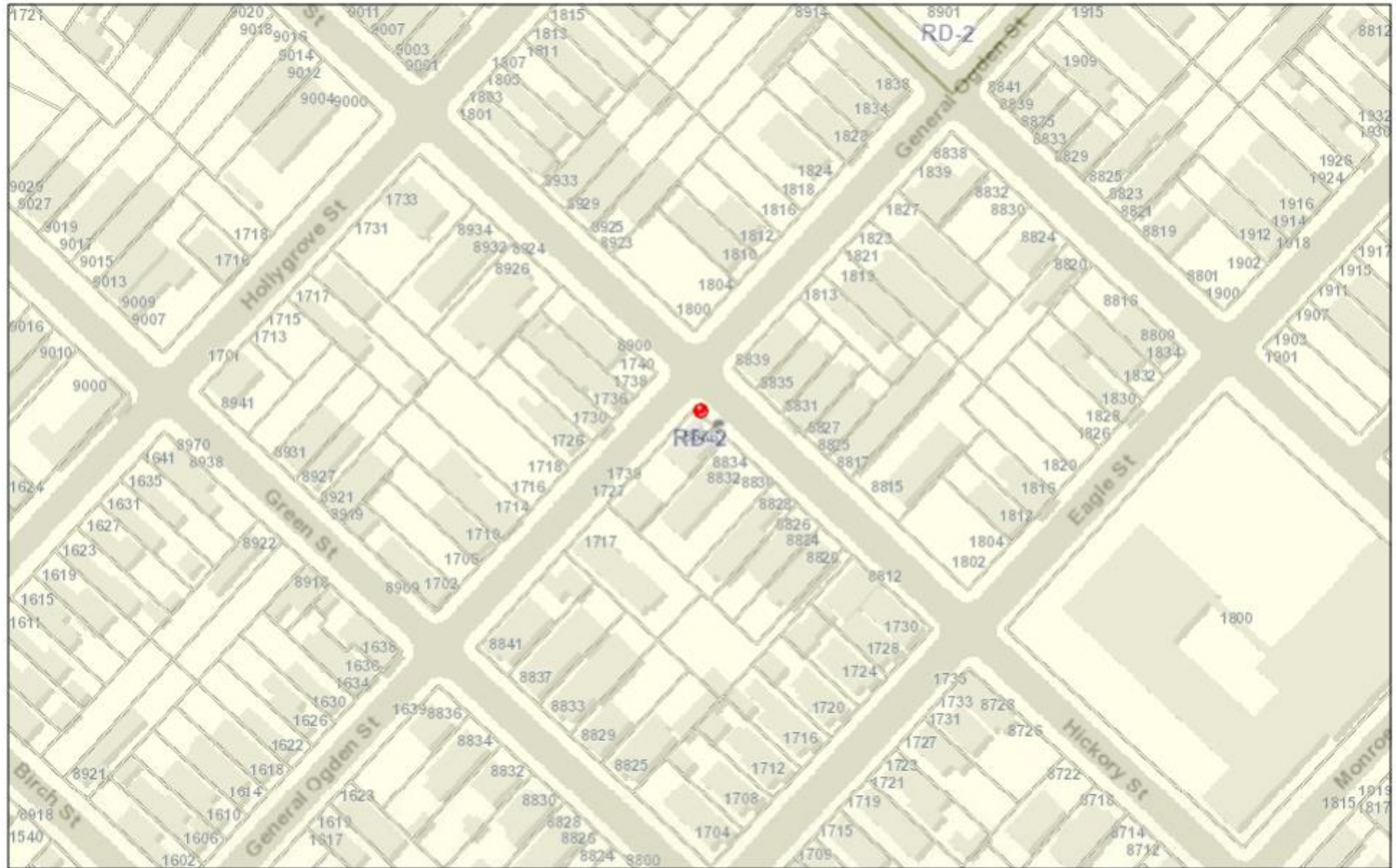
1624 MANHATTAN BOULEVARD, HARVEY, LA 70058
504-368-6390 PH. 504-368-6394 FAX
dufrene@seinc.net

JOB# 14-000863
SCALE: 1"= 20'

[Handwritten signature]

ks seventh/sq232-1115,16(resub).dwg

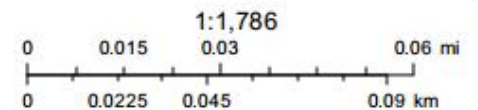
City of New Orleans Property Viewer

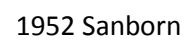


February 13, 2015



Override 1





New Orleans, La. 6
623

630

HICKORY

GREEN

BIRCH

JEANNETTE

GEN'L OGDEN

EAGLE

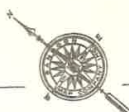
MONROE

622

624

613

614



SCALE OF FEET
0 50 100
COPYRIGHT SANBORN MAP COMPANY, INC.

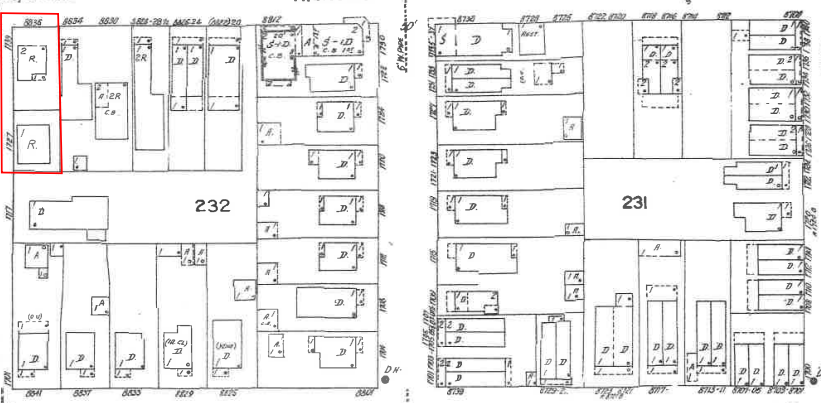
1983 Sanborn

623

630



HICKORY



GREEN

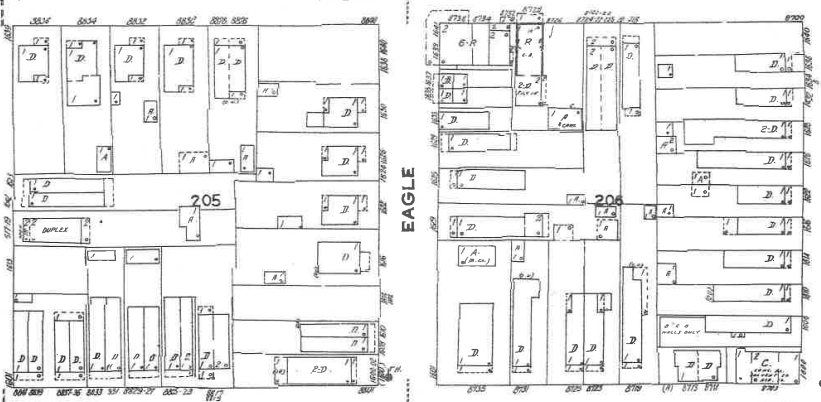
622

GEN'L OGDEN

EAGLE

624

MONROE



BIRCH

JEANNETTE

613

614

SCALE OF FEET
50 100 200
COPYRIGHT: SANBORN MAP COMPANY, INC.

1994 Sanborn









SEWERAGE AND WATER BOARD OF NEW ORLEANS

Inter-Office Memorandum

Date: January 16, 2015

From: Mark Johnson
Network Engineering

JAN29'15 03:39PM

To: Robert D. Rivers
Executive Director
City Planning Commission

Re: Subdivision Docket: 03/15

The drawings submitted with the above docket have been reviewed.

Sewer and water facilities are available but not shown in the proposed subdivision docket plan. Sewer and water house connections are not shown; therefore, a note should be shown on the plans stating sewer and water house connections are the property owner's responsibility.

Subsurface drainage is available but not shown for Lot 16A, but not Lot 16B.

One copy of print is being retained for our file.

A handwritten signature in blue ink, appearing to read 'm. Johnson'.

Mark Johnson, E.I.
Network Engineering

MDJ / DAMc

cc: Dept. of Public Works, Mr. Nguyen Phan w/print

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Tax
Pay Real Estate Tax

MELANCON DOUGLAS
ETAL 2475 MARR AVE
NEW ORLEANS , LA 70114

Property Values
Land Assessment: \$1440
Improvement Assessment: \$15040
*** Homestead Exemption: \$0**

Tax Bill No.
 716208513
View Property Information
Property Location
 8836 HICKORY ST
Legal Description
 SQ 232 LOT 16 PT 15 HICKORY GEN
 OGDEN 40 X 120 APT A A PT B

Interest accrues at 1% per month on all delinquent taxes.

Period	Type	Code	Delinquency Date	Tax or Lien	Interest	City Fee	Collection Fee	Total
2014	Real Estate Tax		02/01/14	\$688.82	\$89.55	\$0.00	\$0.00	\$778.37
2014	Code Enforcement Lien		12/31/14	\$955.00	\$0.00	\$0.00	\$0.00	\$955.00
2014	Tax Sale Costs		06/03/14	\$261.00	\$0.00	\$0.00	\$0.00	\$261.00
2015	Real Estate Tax		02/01/15	\$2,450.07	\$24.50	\$0.00	\$0.00	\$2,474.57

Total Taxes Due As Of 2/12/2015 \$4468.94

[Pay Total Taxes Due Now](#) [Cancel](#)

***Attention Taxpayers:** If you are entitled to a homestead exemption and no amount is indicated, contact your assessor immediately at (504) 658-1300. You should also notify your mortgage company. In the event of an error, your assessor will make the correction and a supplemental bill will be issued. Your assessor can answer questions on assessments, mailing name and address, or legal descriptions. For all other questions, call the Bureau of the Treasury at (888) 387-8027, hours 8:00 am - 5:00 pm Monday through Friday, Room 1W40, City Hall.

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